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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG)	Case No. C10-01881 JSW
INGRAHAM, an individual, JAMES)	
WILSEY, an individual, and DANIEL)	STIPULATION AND PROPOSED
O'BRIEN, an individual,)	ORDER RE: FURTHER EXTENSION
)	OF TIME TO FILE RESPONSE TO
Plaintiffs,)	SECOND AMENDED COMPLAINT
)	
v.)	Hon. Jeffrey S. White, Presiding
)	
DAVID FERGUSON, an individual dba CD)	(E-Filing)
PRESENTS, BURIED TREASURE MUSIC)	
and ANARCHY ANTHEMS; BURIED)	
TREASURE MUSIC, BURIED TREASURE)	
INC., a Corporation of unknown jurisdiction;)	
INDEPENDENT ONLINE DISTRIBUTION)	
ALLIANCE, INC., a California Corporation;)	
TUNECORE, INC., a Delaware Corporation;)	

and RHAPSODY INTERNATIONAL, INC., a)
 Delaware Corporation,)
 Defendants.)

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern District of California, Plaintiffs PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and stipulate as follows:

WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on July 21, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by August 22, 2011; and

WHEREAS, this is the eleventh request for extension of the date by which Defendant shall file a responsive pleading; and

WHEREAS, the parties have agreed to the settlement of their dispute, the settlement agreement has been executed by all parties, and the parties are actively engaged in wrapping up this matter; and

WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern District of California, permits the parties to extend the time within which to answer or otherwise respond to a complaint by stipulation in writing and without a Court order, provided the change will not alter the date of any event or any deadline already fixed by Court order; and

WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file a responsive pleading to the Second Amended Complaint will not alter the date of any event or any deadline already fixed by Court order; and

WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a responsive pleading should be extended to September 22, 2011, to allow the parties time to wrap this matter up and allow Plaintiffs the opportunity to dismiss this matter as to Defendant;

1 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective
2 undersigned counsel, hereby stipulate as follows:

3 1. The time for Defendant David Ferguson to file a responsive pleading to the Second
4 Amended Complaint shall be extended to and including September 22, 2011;

5 SO STIPULATED.

6
7 Dated: August 19, 2011

LAW OFFICE OF ALAN KORN

8 By: /Alan Korn/

9 Alan Korn

Attorneys for Plaintiffs

10 *PENELOPE HOUSTON, GREG INGRAHAM,*
11 *JAMES WILSEY and DANIEL O'BRIEN*

12 IDELL & SEITEL LLP

13 Dated: August 19, 2011

By: /Richard J. Idell/

14 Richard J. Idell

Attorneys for Defendant DAVID FERGUSON

15 **ATTESTATION OF CONCURRENCE**

16 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to
17 General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from
18 Alan Korn, the above signatory.

19 Dated: August 19, 2011

By: /Richard J. Idell/

20 Richard J. Idell

21 **~~PROPOSED~~ ORDER**

22 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

23 1. Defendant David Ferguson shall file a responsive pleading to the Second Amended
24 Complaint no later than September 22, 2011.

25 **IT IS SO ORDERED.**

26 Dated: August 22, 2011

27 
Hon. Jeffrey S. White

28 Judge of the United States District Court
Northern District of California